

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2005

CORAM:

THE HONOURABLE MR.JUSTICE P.SATHASIVAM
and
THE HONOURABLE MR.JUSTICE S.K.KRISHNAN

W.P.No.2036 of 2003

The Director General of Police
and Chairman,
Tamilnadu Uniformed Services
Recruitment Board,
No.807, II Floor, Anna Salai,
Chennai-2.

.. Petitioner

versus

1. L.Balan Louis
2. The Registrar
Tamil Nadu Administrative Tribunal
Chennai-104.

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India for the issue of a writ of Certiorari to call for the records pertaining to the order dated 02.07.2002 made in Original Application No.8973 of 2000 on the file of Tamilnadu Administrative Tribunal, Chennai, the 2nd respondent herein and quash the same.

For petitioner : Miss V.Velumani
Addl. Government Pleader
For respondent-1 : Mrs.Sudha for
M/s.Sudha Ravi Associates

सत्यमेव जयते ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

Aggrieved by the order of the Tamilnadu Administrative Tribunal, Chennai dated 02.07.2002 made in O.A.No.8973 of 2000, the Director General of Police and Chairman, Tamilnadu Uniformed Services Recruitment Board, Chennai-2, has filed the above writ petition.

2. It is seen that the petitioner herein had called for applications from eligible candidates for 183 posts of Sub-Inspector of Police (Technical) on 28.06.2000. The notification was issued as per rules. The recruitment of S.I. (Technical) consists of Physical

Measurement Test, two papers of Written Test and viva voce. Physical measurement test was conducted on 28.08.2000 and the written test was conducted on 29.08.2000. Though no minimum age has been mentioned in the notification, the applicant - first respondent herein, has not completed 18 years on the cut-off date, namely 1.7.1999, as mentioned in the notification. Based on the adhoc rules issued in G.O. Ms.No.53, Home (Police IX) Department dated 18.1.1999, the petitioner Board decided to disqualify the candidate who were below 18 years as on the cut-off date, i.e. 1.7.1999. The applicant being a disqualified candidate due to the age factor, the Board has rejected the first respondent herein. However, he was allowed to compete along with the other candidates upto written test, and only on verification of certificate at the time of interview held on 2.11.2000, it was noticed that the first respondent has not fulfilled the age norms since he has not completed 18 years as on the cut-off date, i.e. 1.7.1999. Aggrieved by the same, the first respondent herein filed the O.A.No.8973 of 2000 before the Tamilnadu Administrative Tribunal. By impugned order dated 2.7.2002, the Tribunal set aside the rejection order and allowed his application. Questioning the same, the present writ petition has been filed.

3. Heard the learned Additional Government Pleader for the petitioner as well as the learned counsel for the first respondent.

4. It is not in dispute that the first respondent herein has applied for the post of Sub-Inspector (Technical) through direct recruitment. As per the notification dated 29.6.2000, published in Daily Thanthi, the maximum age as on 1.7.1999 has been prescribed as thirty years and relaxable in respect of S.C. and S.T. Candidates. It is the claim of the first respondent that inasmuch as his date of birth being 29.4.1982 on the date of the notification, namely 29.6.2000, he had completed 18 years and was eligible to be considered for the post. Though learned Additional Government Pleader, by drawing our attention to the Special Rules for Tamilnadu Police Subordinate Services, contended that the minimum age prescribed is 20, the first respondent being less than 20 is not eligible to be considered and the Tribunal has committed an error in granting relief as claimed, it is relevant to note that while taking decision on 30.10.2000, the Petitioner Board had referred to the Adhoc Rules issued in G.O.Ms.No.53, Home (Police IX) Department dated 18.1.1999. Learned counsel appearing for the first respondent has brought to our notice that as per the adhoc rules, the post of Sub Inspector (Technical) has to be filled up by direct recruitment and no person shall be eligible for appointment to the post of Sub Inspector (Technical), if he has completed or will complete the age of thirty years on the first day of July of the year in which the selection for appointment is made.

5. Admittedly, no minimum age has been fixed in the rules not mentioned in the notification. However, it does not mean that a minor, namely, person having less than 18 years of age can also participate in the selection process. Though the adhoc rules prescribe other qualifications, namely education, etc. and of the fact that the petitioner Board itself refers to the very same rules - adhoc rules, considering the fact that on the date of the notification the first respondent herein had completed 18 years, we are unable to agree with the contention raised by the learned Additional Government Pleader and are in agreement with the conclusion arrived by the Tribunal.

6. Whatever may be, in the light of the reference by the petitioner Board to the adhoc rules, the reliance of the learned Additional Government Pleader to the Special Rules for Tamil Nadu Police Subordinate Services will not be applicable to the case on hand.

7. In the light of the details furnished in the notification and of the fact that there is no minimum age prescribed, taking note of the fact that on the date of the notification the first respondent herein had completed 18 years, we are in entire agreement with the conclusion arrived by the Tribunal. We do not find any valid ground for interference and accordingly, the writ petition fails and the same is dismissed. It is made clear that if the first respondent is otherwise eligible/successful in all other qualification/tests, he may be considered for the post of Sub Inspector (Technical).

With the above observation, the writ petition is dismissed. No costs.

Km

Sd/

Asst.Registrar

/true copy/

Sub Asst.Registrar

To:

The Registrar
Tamil Nadu Administrative Tribunal
Chennai-104.

+1cc to M/s.Sudha Ravi associates (SR.44477)

+1cc to the Government Pleader, High Court, Madras-104. (SR.44548)

SGL (CO)

rvr/17.11

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